THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION Nos.21262 & 21269 of 2007

DATED: 08-10-2007

V.Narender Reddy & another.

...PETITIONERS

AND

Bandi Gopal and others.

...RESPONDENTS

COMMON ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Both the Writ Petitions arise out of the same order passed by the 3rd respondent-Joint Collector, Rangareddy District in proceedings No.D5/7414/2003, and D5/7415/2003, dated 01-10-2005, allowing the revisions filed by the unofficial respondents under Section 9 of the A.P.Record of Rights in Lands and Pattadar Pass Books Act, 1989 (for brevity, 'the Act').

3. 4th respondent-Mandal Revenue Officer rejected the application of the petitioners for mutation of their names in respect of the lands purchased by them under the sale deeds, dated 06-01-1999, of an extent of 10 guntas and Ac.3.20 guntas on the ground that the sale deeds executed by the GPA holder vide registered document Nos.64 and 65/99, both dated 06-01-1999, cannot be taken into account as the General Power of Attorney in favour of the GPA holder was already cancelled much prior to the execution of the sale deeds i.e., on 11-12-1996. Against the said order of the 4th respondent in File Nos.B/43 and 44 of 1999, dated 05-02-2000, petitioners herein filed appeals before the Revenue Divisional Officer in File No.A2/589 and 590 of 2000, and the said appeals were allowed by the Revenue Divisional Officer by order, dated 22-08-2003.

Aggrieved by the same, respondents filed the aforesaid revisions before the Joint Collector.

4. Admittedly, the General Power of Attorney was cancelled much prior to the execution of the sale deeds and therefore, in view of the disputed questions of facts with regard to the legality or otherwise of the cancellation of the General Power of Attorney and the execution of the sale deeds, it is for the civil Court to adjudicate the said dispute but the revenue authorities cannot decide the disputed questions, and the legality or validity of the said documents. I am of the opinion that the Joint Collector rightly set aside the order of the Revenue Divisional Officer upholding the order of the 4th respondent as the revenue authorities are not competent under the Act to decide or adjudicate the civil disputes and the validity, legality or otherwise of the cancellation of the General Power of Attorney, and the right of the GPA holder to execute the sale deeds after cancellation of the General Power of Attorney. I do not see any infirmity legal or otherwise in the said order of the revisional authority.

5. Accordingly, Writ Petitions are dismissed with a liberty to get the settlement of the aforesaid disputes by way of filing a civil suit in a competent civil Court. No order as to costs.

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V. ESWARAIAH, J

08th October, 2007.
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